GENERAL INDEX.

Page.

ABBOTT, AUSTIN, on Organization of Appellate Courts. . . . 145
ADMISSION to the Bar . . . 324
APPELLATE COURTS. Organization of . . . 145

BAR ASSOCIATION OF NEW YORK STATE:
- Programme of annual meeting . . . 20
- Annual address of President Fiero . . . 67
- Officers and committees for 1893 . . . 80
- Report of Committee on Law Reform . . . 99
- Committee meeting . . . 218
- Official reports . . . 304

BEHRING SEA case . . . 437
BICYCLE LAW in New York . . . 404
BOOK REVIEWS:
- American State Reports, vol. 29 . . . 360
- Beach on Public Corporations . . . 399
- Bishop's New Criminal Law . . . 100
- Bishop's Code Practice . . . 360
- Browne on Parol Evidence . . . 280
- Buswell on Personal Injuries . . . 420
- Chaney's Nebraska Digest . . . 220
- Faber's Illinois Assignment Law . . . 220
- Finch's Insurance Digest for 1892 . . . 220
- Fitzsimmons' Colorado Practice . . . 220
- General Digest of the United States, vol. 7 . . . 59
- Green Bag, 1892 . . . 59
- Hartshorne on the Railroads and the Commerce Clause . . . 59
- Jarman on Wills . . . 140
- Lansing's Lawyer's and Clerk's Assistant . . . 100
- Lawson's American Law of Contracts . . . 120
- Lawyers' Reports Annotated, book 16 . . . 59
- Lea's Superstition and Force . . . 140
- Matthews' Ruminations . . . 221
- Rapalje on Larceny, etc . . . 100
- Ray on Passenger Carriers . . . 200
- Renwick's Patentable Inventions . . . 360
- Robinson's Forensic Oratory . . . 420
- Smith's Personal Property . . . 360
- Stewart's Law of Horses . . . 100
- Vanfleet's Collateral Attack . . . 360
- Waples on Homestead and Exemption . . . 100
- Winthrop's Military Law . . . 140

BREWER, Mr. Justice. Address before N. Y State Bar Association . . . 85

CONGRESS. First unconstitutional act of . . . 416
CORNELL UNIVERSITY. Presentation of Moak library to . . . 164
CHARGING JURIES . . . 305
CORRESPONDENCE:
- Amending codes . . . 139
- André monument . . . 159, 199, 219
- Appointment of Mr. Justice Jackson . . . 180
- Assignment system . . . 180
- Battle of the reporters . . . 119
- Bridal presents, ownership of . . . 240
- Codification in West Virginia . . . 220
- Correction of a corrector . . . 40
- Correction, In re Lizzie Borden . . . 399
- Depreciation of cemetery lots . . . 59
- Examination, re-direct, dangers of . . . 120
- Examination for the bar . . . 39, 79
- "Jag" . . . 100
- Music, Minister and Merinos . . . 178
- Newspaper libels . . . 280
- Official correspondence . . . 240
- Opinions in West Virginia . . . 260
- Poll tax . . . 440
- Printing fees on appeal . . . 460
- Queer decree . . . 399
- Res adjudicata — assignee for creditors . . . 120
- Restrictions on marriage . . . 40
- Shaftsbury and habeas corpus . . . 199
- Sunday newspaper, advertising in . . . 359
- Sunday observance . . . 440
- Suspension of power of alienation . . . 40
- Taxation of domestic business corporations . . . 179

Page.

COURT OF APPEALS, relief of, Judge Danforth on . . . 124
- Mr. Coudert on . . . 127

CURRENT TOPICS:
- Accidental insurance — the one-eyed man . . . 142, 381
- Admission to the bar — uniform system . . . 61
  - on seven years' service in Legislature . . . 61
  - preliminary clerkship . . . 61
- Affidavit by telephone . . . 301
- Albany Law Journal, recommendations of . . . 62
- Albany Law School, remarks of American Law Review upon . . . 42
- American Law Review, the editor's sensitiveness . . . 161
- American Lawyer, notice of . . . 122
- Baldwin, Prof., fails of confirmation as judge . . . 102
- Bar Association of New York, notice of meeting . . . 2
  - notice of speakers at approaching meeting . . . 22, 23
  - proceedings at annual meeting . . . 41, 42
  - social exercises at annual meeting . . . 62
  - notice of papers read before . . . 123
- Bar Association of West Virginia resolve against codification . . . 162
- Barbed wire fences . . . 341
- Bardell v. Pickwick, trial of, at Elmira . . . 42
- Behring Sea Commission . . . 361
- Bill to regulate patent medicines . . . 281
- Borden, Lizzie, her unjust imprisonment . . . 342
  - trial of . . . 481
- Briggs ecclesiastical trial . . . 2, 462
- Browne's Parol Evidence, remarks on a review of . . . 222
- Buffalo Law School commencement . . . 422
- "By way of being" . . . 162
- Canada judge refuses to adjourn for lunch . . . 182
- Capital punishment . . . 242, 341
  - General Curtis on . . . 1
- Caton, Judge, picture of . . . 181
- Centennial judicial celebration, report of executive committee . . . 103
- Charging juries . . . 382
- Chinese deportation . . . 461
- Clergyman's opinion of lawyers . . . 22
- Clerk's fees on appeal in Maryland . . . 403
- Code of Procedure, Throop's, Mr. Fiero's remarks upon . . . 101
- Codification in Illinois . . . 402
  - in Michigan . . . 241, 403
  - in Vermont . . . 401
- College ruffianism . . . 302
- Compensation for assigned counsel . . . 222
- Constitutional convention — women eligible as delegates . . . 421
- Contempt of Bahama court . . . 302
- Contempt of court — newspaper publisher's details of private divorce trial . . . 422
  - Dr. Parkhurst's counsel . . . 161
- Copyright in judicial opinions — litigation concerning . . . 102
- Corporations, this journal on . . . 162
- Coudert, F. R., on relief of Court of Appeals . . . 127
- Cornell University Law School . . . 1
  - exercises at dedication of Boardman Hall . . . 442
- Crime, cause of increase, Prof. Wayland on . . . 21
- Criminals, honorable . . . 141
  - in Massachusetts, treatment of . . . 261
- Criminal trials — public defenders . . . 441
- Crinoline . . . 261
- Critic, The, notice of . . . 122
- Cruelty to an undescribed animal . . . 261
- Custom unreasonable . . . 262
- Dartmouth College case . . . 142
- "Defect of repair" . . . 322
- Dougherty, Daniel, Mr. Coudert's tribute to . . . 102
- Drunkenness, proposed legislation for compulsory medical treatment for . . . 421
- Duchess, Imprisonment for contempt . . . 342
- Dwight method of legal instruction . . . 321
- Dying declarations, Clark Bell on . . . 102
- Election day, courts may sit on . . . 83
- Election contests in courts . . . 21
- Electricity, the age of . . . 202
- Elliott, Judge, his defeat . . . 82

CURRENT TOPICS — Continued. Page.
Elmira State Reformatory ... 242
Escape from prison ... 342
Flower, Governor, veto of Brooklyn Columbian celebration bill ... 122
Fraud, contract to waive ... 142
Green Bag, notice of ... 102, 442
Guardians — rights of mothers ... 82
Harris case, reference in ... 362
Judge Fish on ... 261
Homestead disturbances, charge of Judge Stowe ... 141
Hypnotism in legislation and in the courts ... 362
Illinois, costs system in ... 181
Judges, portraits of ... 222
State Bar Association, proceedings ... 301
Supreme Court, its practice in examining cases ... 101
202
Indian Code of Criminal Procedure ... 101
Insane persons, bill to regulate confinement of ... 281
asylums ... 341
Jackson, Mr. Justice, nomination of ... 121
Judge-made law v. common law ... 321
Judges, retired, assigning to duty ... 101
Judicial opinions, diffuseness in ... 81
Jury duty, exemption from ... 161
Jurymen, understudies for ... 322
Kansas Legislature conflict ... 261
Kirby, James, made Q. C ... 283
Lamar, Mr. Justice, his death ... 82
Law reform in New York ... 241
Law schools ... 341
Lawyer, every man his own ... 482
Lawyers' incomes ... 181
Lectures on law for women, Russell's ... 22, 242
Legislative clowns ... 321
Legislators neglecting public service ... 122
Libel — funny criticism ... 182
intimacy with an elocutionist ... 122
law in respect to newspapers ... 121, 221
Library of New York City Bar Association ... 2
Local option as to dram shops ... 282
Lynching in Texas ... 141
Maine Practice Act ... 342
Malice in torts ... 302
Marriage at common law ... 2, 482
bill to regulate ... 282
and divorce statistics by Prof. Wilcox ... 242
law of Illinois ... 142
Master's liability for engineer's neglect to ring bell ... 201
Medical expert witnesses, Rice's attack on ... 202
Newspaper Libel Act ... 161, 221
Oaths, judicial, dispensing with ... 441
Office, one may not be compelled to accept ... 441
Parkhurst detective's lawyers' contempt case ... 182
Parol evidence rule ... 201
Phelps, William Walter, appointment as a lay judge ... 123
Physician's disqualification as witness ... 262
Pleading, old fashioned notions regarding ... 282
Presumption of survivorship ... 301
Prisoners in jail to be kept at work ... 262
Prize fighting ... 222
Reading opinions from the bench ... 181
Revision of N. Y. statutes, remarks on ... 81
Rum selling, State assumption of, in South Carolina ... 421
"Ruminations," by Albert Matthews ... 221
Sentences unequal ... 361
Shaftsbury and habeas corpus ... 142
Skull-last-ic, question ... 102
State commissioners ... 141
Sunday law ... 382
newspapers ... 302
question, criticism of Chief Justice Maxwell on ... 322
Taxation, report of counsel to New York Legislature concerning ... 103
Tenancy by entireties ... 201
Title pages ... 102
"Unchurched classes," Anthony Comstock on ... 61

CURRENT TOPICS — Continued. Page.
Voters fined for not voting ... 381
Veto power in England ... 361
Will making ... 461
Women lawyers in Canada ... 22
World's Fair case, J. Proctor Knott's argument ... 81

DANFORTH, Judge, on relief of Court of Appeals ... 124

EXAMINATION in chief — new style ... 340

FIELD, David Dudley, gives his arguments to Connecticut State Library ... 182
FIERO, J. Newton, address as president of the New York State Bar Association ... 67
argument on uniform bar examinations ... 496

HAVE WE CIVIL COURTS? ... 255
HIGHWAY, the King's ... 58

JOHNES, Edward R., on the Pardoning Power ... 385
JUDICIARY Centennial Celebration, report of executive committee ... 118

LAW REFORM, a phase of address by Judge Parker 64
LEGAL CRITICISM and opinion in America ... 294

MAINE PRACTICE ACT ... 359
MARRIAGE CEREMONIES and certificates ... 178
MAXWELL, E. J., on Charging Juries ... 305
MILBURN, John G. Address to Buffalo Law School. 444

NOTES:
Bar Associations, Mr. Justice Brown on ... 400
Bar Musical Society of London ... 180
Chancery litigation ... 480
Case law in the United States ... 260
"Clients" ... 320
Columbian Exposition, law at ... 300
Copyright, international, first suit under ... 200
Divorce — Green v. Green ... 400
Donkey law in New Jersey ... 420
Esher, Lord, on newspapers ... 60
Erskine, Judge, his reminiscences ... 59
Hardwick Society entertainment ... 320
Illinois courts, definition of ... 160
Irving Browne, Michigan Law Journal on ... 180
Jury Trial, Mr. Justice Brewer on ... 160
Law Journals, remarks on ... 140
Lawyer's income at the start ... 180
Legal grandchildren ... 420
Missing word competitions lottery ... 60
Nuisance of music ... 520
N. Y. State Bar Association, special committee and delegates ... 160
Parliamentary conflicts with the law ... 440
Punishment of crimes ... 480
Sunday newspapers, selling ... 60
Temple Church, jubilee of Dr. Hopkins, organist ... 440
The Alabama, her escape explained ... 360
Whitsuntide ... 500
Without prejudice ... 500

PARDONING POWER ... 385
PARKER, Alton B., on a Phase of Law Reform ... 64
POEM. Nathan Hale ... 300
POWER, R. McKinlay, on Bicycle Law ... 404

QUEBEC CASES ... 425

ROGERS, R. T., on Quebec Cases ... 425

SESSION LAWS of New York of 1892, D. D. Field on ... 90

TAXATION. Report of counsel on revision of New York tax laws ... 104

INDEX-DIGEST

TO

ABSTRACTS. CASES IN FULL AND NOTES OF CASES.

Page.

ABATEMENT AND REVIVOR. Death of party—substitution of devisee ... 155
ACCORD AND SATISFACTION ... 498
ACTION:
When right of, accrues—evidence ... 315
Wrongful death—survival ... 495
AGENCY:
Authority of agent—delivery of mortgage ... 314
Factors and brokers—compensation, when earned ... 210
Principal's liability for agent's acts—exemplary damages ... 35
Fraud of agent ... 416
ANIMALS:
Killing trespassing dog—justification ... 56
Trespassing—communicating disease ... 516
Dogs—killing—running at large ... 36
APPEAL
Discretion—Court of Appeals ... 273
Of General Term ... 353
Of trial court ... 333
Dismissal ... 112
Second appeal ... 14
Findings of fact—review ... 456
Harmless error ... 378
Modifying order of reversal ... 273
Presumptions on—record—new trial—questions of fact—decision of General Term ... 417
Reviewing erroneous instructions—exceptions not taken below ... 314
When rehearing denied ... 31
Review ... 176
——; weight of evidence—reference ... 95
Stay—condemnation proceedings ... 210
Time for taking—effect of retaxing costs ... 155
Waiver of right ... 333
ARBITRATION AND AWARD. Sufficiency of award—supplemental award ... 295
ASSAULT AND BATTERY. Sport ... 384
ASSIGNMENT. Wages to be earned—validity ... 404
ASSIGNMENT FOR CREDITORS:
Reference—compound interest ... 97
Preferences ... 112
ASSOCIATED PRESS. Rights of members—publication of other dispatches—restraint—constitutional law ... 176
ASSOCIATION. Procuring discharge of non-union laborer—liability ... 491
ATTACHMENT. Foreign—jurisdiction ... 438
See FIXTURES, 313.
ATTORNEY-AT-LAW:
Disbarment—advertising for divorces ... 229
Occupation tax—constitutional law ... 73
See PARTNERSHIP, 483.
ATTORNEY AND CLIENT:
Employment—compensation ... 31
Fees—lien ... 176
Lien on judgment for fees—settlement by parties—fees allowable by court ... 112
See CONTRACT, 317.

BAIL. Forfeiture—entry of order ... 273
BANKS:
Collection of draft—negligence—demand and notice ... 273
Insolvency—application of deposits—specific performance ... 95
Interest on demand note—payment in advance—payment of principal—recovery of unearned interest ... 490
National—payment in contemplation of insolvency ... 155
Savings—authorized payment—deposit—ordinary care ... 31
BOUNDARY. Alleys—title to fee—abandonment of easement ... 334

CANALS. Overflowing lands—jurisdiction of Board of Claims—liability of State—evidence ... 378

Page.

CARRIERS:
Who are—managing agents of steamship line—evidence ... 314
Act of God—negligence—baggage ... 335
Baggage—negligence—merchandise shipped as baggage ... 386
Connecting lines—liability for—advances ... 177
Conversion—what constitutes—claim of third person ... 71
Damage to goods shipped—notice of character—trinkets ... 349
Jumping from moving train, negligence ... 317
Limiting liability ... 353
burden of proof ... 238
Notice to consignors of failure to deliver goods ... 25
Of passengers—liability—elevators ... 419
Assault by employee ... 335
Robbery of passenger—refusal to detain train ... 419
Insane passenger—injury to fellow passenger ... 344
Neglect of sick passenger—liability ... 370
Negligence—mail bags on platforms ... 354
Sleeping cars—ejectment of passenger from berth—damages—parol evidence to contradict—"berth check" ... 446
See CONSTITUTIONAL LAW, 244; DAMAGES.
CEMETERIES. *See* MUNICIPAL CORPORATIONS, 433
CERTIFICATE OF DEPOSIT. Payee not in possession—res judicata ... 210
COLLATERAL INHERITANCE TAX:
Construction of will by surrogate ... 334
Property outside the State—bequest free from tax ... 256
Res judicata ... 236
CERTIORARI. When lies—riparian rights ... 31
CONFLICT OF LAWS:
Assignments in insolvency—preferences ... 285
Contract of married woman ... 328
Death by wrongful act ... 443
State and Federal jurisdiction—receivers ... 75
CONSPIRACY. Association of retail coal dealers to regulate prices ... 185
CONSTITUTIONAL LAW:
Apportionment acts—necessity of construction—inequality of apportionment—legislative discretion ... 298
Assembly districts—division of county—population—supervisors—discretion—mandamus ... 440
Civil rights—carriers of passengers ... 244
Counties—limitation of indebtedness ... 75
Eminent domain—special taxation—municipal corporations ... 158
Enactment of law—appropriation for world's fair exhibit ... 190
Game laws ... 472
Imprisonment for debt—bastardy ... 336
Intoxicating liquors—manufacture and sale—State regulations ... 430
Lands under the great lakes—riparian rights ... 129
Railroads—failure to place blackboards at stations and report thereon whether trains are on time—interstate commerce ... 84
Regulation of useful business—private insane asylums ... 485
Taxation—interstate commerce taxing railroad business ... 378
See JURISDICTION, 245; TELEGRAPH COMPANIES, 271.
CONTRACT:
Advertised promise of reward on conditions—performance of conditions ... 364
Architect's certificate ... 336
Attorneys—employment ... 317
Building—rights of lowest bidder ... 298
——; construction—findings unsupported by evidence ... 237
With city—vested rights—electric light companies ... 484
Employee—bar—res adjudicata ... 216
Of employment—"satisfaction" ... 183

CONTRACT — Continued. Page.
Letters — construction — sale and delivery of goods — fire works — injury by discharge — liability. 325
For mining — interpretation — negligence. 211
Privity — rights of third parties. 443
Public policy — limiting manufactures. 258
Rescission. 31, 217
For sale of land — construction — incumbrance — party-wall. 295
Waiver of performance. 96
See WILL, 98.
CONTRIBUTION. Joint tort-feasors — wrongful attachments. 373
CONVERSION. By pledgee — damages. 54
COPYRIGHT:
Infringement — subject-matter — in whom copyright vested — absence of express agreement — trades directory headings — advertisements — blocks and other materials — right to use. 323
Trades directory — special headings — advertisements. 93
CORPORATIONS:
Gas company — extension of powers — electricity. . . . 418
Forged certificate of stock — bona fide purchaser . . . 274
Manufacturing — failure to file reports — liability of trustees. 276
Power of president to bind company. 315
See ASSOCIATIONS; NEGOTIABLE INSTRUMENTS.
COSTS. Extra allowance — appeal. 457
COVENANT:
Breach — damages. 274
Building restrictions — conveyances — married women 479
CREDITOR'S ACTION. To set aside fraudulent judgment — general creditors. 31
CRIMINAL LAW:
Arrest without warrant — offense in presence of officer. 375
Arson — indictment — intent — competency of juror. 274
Bail — forfeiture — remission — review. 237
Burglary — "house". 158
Misconduct of district attorney — obtaining facts from defendant by fraud. 56
Evidence of character. 83
failure of accused to testify in his own behalf — comments of counsel 474
handwriting — cross-examination — arson — review on appeal. 31
Felonies — extortion — challenges — reasonable doubt 197
Grand jury — indictment — affidavits to impeach — intoxicating liquor. 458
Homicide — duress of third person. 287
—; evidence — instructions. 417
—; insanity as a defense — indictment — evidence. . 397
—; morphine poisoning — intent — circumstantial evidence — sufficiency — admissibility. 256
—; indictment — expert evidence — opinion — error — instructions 112
—; sufficiency of evidence — confidential communications — appeal 275
—; evidence — sufficiency — instructions. 211, 295
—; credibility of witness — additional instruction. . 198
—; self-defense — instruction — evidence. 417
Incest — proof of marriage. 113
Indictment — failure to aver publication — facts unknown to grand jurors. 212
Intoxication to excuse crime. 303
Juror — order of challenges — peremptory challenge — bias a question of fact — previous opinion — impartiality of jurors — prejudice against crime — abortion — circumstantial evidence — lack of opportunity to commit crime — accomplice — extent of punishment. 55
Larceny — false pretenses — indictment. 334
Manslaughter — neglect to provide food or medical attendance for person of full age. 354
Public document — labor statistics — circulars — Penal Code, sec. 94 — demurrer to indictment. 342
Uttering forged instrument — venue. 337
Venue — separation of jury. 4
View by jury. 424

DAMAGES:
Carriers — wrongful arrest of passenger — punitive damages. 186
Excessive. 419
Liquidated. 355
Punitive — responsibility of corporation for willful tort of its servant 60
Remote — carrier — ejection of female passenger — liability for rape. 356
Action on policy — remote and proximate cause — insurance. 429
Not reviewed by Court of Appeals 31
Riparian rights — obstructing access to water 177
DEED:
Cancellation — insanity of grantor. 277
Capacity of grantor — presumption. 334
Conveyance of coal — right of grantor to reach underlying oil — injunction 194
Covenant for quiet enjoyment — how broken. 155
Description — uncertainty. 298
Estate conveyed — qualified fee — public park 43
DEFINITION. Goods 183
See BURGLARY.

Page.
DRAINAGE. By village — damages from faulty plan — assessments — regulating flow of water. 32
DURESS. Note obtained by threat of suit. 4
See CRIMINAL LAW.

EASEMENT:
Platted streets — change of grade by private person — appeal. 397
Prescription — use of ice-pond 114
ELECTIONS:
Evidence — ballots. 114
Marked ballots — duty to reject — mandamus. 32
Registration — "test oath law". 148
Witnesses before Legislature — contempt 278
See CONSTITUTIONAL LAW.
EMINENT DOMAIN:
Appraisement — review on appeal — interest on award. 237
City park — sufficiency of notice — constitutionality of law. 296
Money paid into court — foreclosure of mortgage — effect — setting aside judgment. 96
Procedure — res judicata. 439
ESTOPPEL. Mortgages — priorities — equitable assignment. 275
EVIDENCE:
Admissions of agent — authority to make. 459
Books of account. 112
Entries in party's own books. 351
Breach of contract to construct railway to plaintiff's land — opinions. 277
Exhibiting injured arm to jury. 363
House of ill-fame. 356
Medical experts, who are 362
Opinion — good faith 224
Parol as to bill of lading. 113
—; to change conditions of bond 275
Partnership accounting — books of account 456
Usage to explain — contrast 299
Guaranty. 14
Usage — manager of cattle company 78
See CRIMINAL LAW.
EXECUTORS AND ADMINISTRATORS:
Accounting — limitation of actions — power of executor to sell land to pay debt due himself. 211
Bond — enforcement — evidence — decree of accounting. 236
Foreign debtors — payments. 483
EXTRADITION:
Fugitive from justice — trial for subsequent crime. 318
Interstate — arrest and trial for different charges. 32, 413

FERRIES. Right to land boat. 319
FIXTURES. Landlord and tenant — attachment. 310
FRAUDULENT CONVEYANCE. Confession of judgment — execution against executor. 33

GAMING:
Action for money paid in payment of lost bets upon request of losers. 154
What constitutes — bets on horse-racing in another State. 304
GIFTS:
Delivery — evidence 177
Inter vivos — bank deposit — evidence. 112
GUARANTY. Discharge by delay. 33
GUARANTOR:
Failure to use due diligence to collect 33
Signature procured by fraud — intoxication — release — delivery of goods — change in place — evidence 296
GUARDIAN AND WARD. Settlement — action on bond — sureties — laches 457

HABEAS CORPUS:
Federal courts — conviction by State court. 455
Jurisdiction of Supreme Court — extent of inquiry. . 278
HIGHWAYS:
Dedication — abutting owners. 499
Rights of abutting owners — construction of embankment under city authority. 212
—; passing and repassing — use for other purposes. 329
Streets — change of grade — right to damages — review on appeal. 316
Village trustees — laying out road — failure to determine land to be taken — remedy 198

INDIGENT SOLDIERS. Relief by town or city — determination of necessity for — effect of 177
INFANCY. Custody — rights of father — welfare of child. 391
See GUARDIAN AND WARD; PARENT AND CHILD.
INJUNCTION:
In aid of attachment before judgment — jurisdiction. 166
Bond — judgment against sureties. 14
Removal of fish in pond. 123
Restraining action in another State — conflict of laws 110
INSANITY:
Idiocy — in question — jurisdiction. 206
See CRIMINAL LAW.
Application to be adjudged sane — how tried. 418
INSURANCE:
Accident — "external or visible signs". 153

INSURANCE—Continued. Page.
Appointment of agent in a foreign state—action—answer—plea in abatement 438
Appraisement of loss—disinterested person—misrepresentation by defendant—fraudulent award—evidence 237
Fire—conditions—proof of loss—magistrate's certificate—nonsuit 315
Harvesting machine—location—evidence 423
Interpretation of policy—"sporting house" 203
Life—conditions—payment of annual charges—notice of maturity 33
——; failure to pay premium—estoppel to claim forfeiture—waiver of condition for prompt payment of premium 14
Marine—cancellation of policy—mistake of fact—laches 397
——; reinsurance—interpretation of policy—"risk" 380
Mutual benefit—forfeiture—waiver 14
——; forfeiture—notice of assessment 397
Waiver of conditions—knowledge of agent 171, 177

JUDGE. Justices of Supreme Court—compensation 14

JUDGMENT:
Equitable set-off 338
Foreign—action on 398
Form—correction—revival of action—affidavit 212
International law—penal action—law of New York 426
Modification after appeal—restitution of costs 156
Res adjudicata—after-born heirs 96
——; interest coupon—compound interest 198

JURISDICTION:
Supreme Court—"penal laws"—constitutional law 345
In equity—remedy at law—retaining jurisdiction 398

LANDLORD AND TENANT:
Illegal distress—breaking into door of building 283
Eviction—failure to repair—acts of adjoining owner 338
Lease—fixtures—right of removal—injunction—findings—construction of lease 275
Relation—dangerous premises—trial—instructions 264
See FIXTURES.

LEGISLATURE. Organization of—holders of proper certificates of election—neglect of governor to communicate with legislative officer de facto and de jure—when legality of action may be inquired into by court. 278

LOTTERIES:
Gratuity 383
What are—post-office—mailing lottery circulars 224

LIBEL AND SLANDER:
Blacklisting employee—privileged communications—valid 339
Commercial agencies—privilege 463
Evidence—malice 16
Privilege—report of judicial proceedings—ex parte application to justices for summons 52

LIS PENDENS. Action of trespass—bona fide purchaser 212

LIVERY-STABLE KEEPER. Warranty of horse left for hire 104

MALPRACTICE. Instructions—objection to evidence—expert witness 31

MARRIAGE:
Charge on separate estate 150
Curtesy—abolition—constitutionality 26
Divorce—alimony—waiver of a jury trial as a condition of granting 422
——; contract not to sue for 63
——; decree nisi—marriage before decree absolute 143
——; domicile—divorce obtained by wife in America—jurisdiction 364
——; effect on tenancy by entirety 314
——; extra allowance 334
Dower in alienated lands—depreciation after alienation 239
——; in land dedicated to public use—opinion of legal profession 9
Fraudulent conveyance of property before 243
——; innocent purchasers 17
Liability of husband for wife's debts—divorce proceedings 299
Loan of wife's money—compound interest—res adjudicata 15
Separation—agreement—cancellation—divorce—parties—joinder of actions 457
Settlement—construction 63
——; right of survivor 76
Validity—authority to solemnize 18
See PARTNERSHIP, 144; WITNESS, 193.

MASTER AND SERVANT:
Fellow-servant, negligence of 33, 465
——; vice-principal 488
Independent contractors 237
Negligence—infant 78
Torts of servant—liability of master—excessive damages 477

MECHANICS' LIEN:
Consent of owner of property 237
Cooking ranges—evidence 357
Default of contractor—materialmen—installment due 213

MECHANICS' LIEN—Continued. Page.
Payments by sub-contractor—application—rights of materialman 33
MINES. Conversion of ore—action by lessee 19
MISTAKE. Of law—and fraud—agreement between executor and a legatee 279
MORTGAGE:
Blank in defeasance clause 34
Chattel—extra-territorial effect 317
——; record—antecedent creditors 211
Foreclosure—personal judgment—sale pending suit 56
Street—rights of prior mortgagee—defective foreclosure—necessary parties—appealable judgment 418
Growing crops 15
Priority—future advances 398
MUNICIPAL BONDS:
Charter—construction 156
Power to issue 96
Railroad aid—misappropriation of taxes—remedy of town—extent of recovery—res judicata 238
——; taxes—application—statute of limitation—power of county supervisors to waive 198
MUNICIPAL CORPORATIONS:
Cemeteries—power of Legislature to compel transfer 433
Employees—discharge—abandonment of service—question for jury 276
Power to regulate fire limits 48
License—erection of water tanks 103
Negligent construction of market place 184
Ordinance—peddling meat, fish, etc 283
——; selling in streets—licensed peddlers 439
Sidewalks—obstruction by private party 464
Defective streets 296
—— alley 263
Rights of, to change grade of street 253
Taxation of telegraph companies—interstate commerce—act of Congress 313
See TELEGRAPH COMPANIES, 271.

NEGLIGENCE:
Contributory—brakeman—low bridges 499
——; ferry 357
Gas leak—concurring negligence 299
Defective bridge—inability to read sign in English 57
Electric cars—defective insulation—notice of danger—contributory negligence 57
Obstructing street car track 223
Proximate cause—contributory 394, 439
Walking on defective bridge 159
See CARRIER; MASTER AND SERVANT; MUNICIPAL CORPORATION; RAILROADS.

NEGOTIABLE INSTRUMENTS:
Action—qualifying agreement—burden of proof—objections waived—right to sue—"trustee of express trust" 213
Part payment by indorser—action by indorser against maker—amount of recovery 409
Accommodation indorsement before payee—consideration 170
Note executed by corporation—extrinsic evidence 243
259
Hastening maturity—interpretation of mortgage 371
Liability of indorser 239
Indorsement without recourse—parol evidence to prove guaranty 115
Negotiability—stipulation for attorney's fee—liability of indorser 383
Stipulation for interest 24
Notice of protest 296
Presumption of consideration 339
Transfer—fraud 460
NEW TRIAL. Exception 296
NUISANCE:
Damages pending suit 28
Tramway company—discharge of electricity—interference with telephonic currents 411

OFFICER:
Election of alien—naturalization after election 290
Payment of salary of de facto officer 263
ONEIDA COMMUNITY. Withdrawal of member—rights in property—findings of referee 296

PARDON. Violation of conditions—remand for original punishment 471
PARENT AND CHILD:
Bastard—descent of property from bastard 347
Compensation for services 34
PARTIES. Bond—release of sureties—voluntary payment 334
PARTITION:
Land held in trust—parties—after-born children—sale—rights of purchaser 335
Right to maintain—adverse possession—appeal—questions raised 257
PARTNERSHIP:
Of attorneys—acting as executor 483
Husband and wife 144
Dissolution—pending actions—statute of limitations 257
Incoming partner—novation 97
Limited—liabilities of special partner—infant as general partner 237

PLEADING: Page.
Action on contract... 479
Amendment... 315
Counter-claim — arising out of contract sued on... 43
Motion to strike out... 335
Variance — admissions — parol evidence — interest... 16

PLEDGE. *See* CONVERSION, 54.

PROCESS:
Exemption of party to foreign suit—taking depositions... 213
Service of — foreign corporations... 237

PUBLIC LANDS. Reservation in grant — riparian rights — comptroller's sale — adverse possession... 418

RAILROADS
Accidents at crossings... 319, 357
——; contributory negligence — smoke—question for jury... 237
——; failure to signal — negligence at law... 76
Elevated — conditional franchise—validity... 198
——; compensation of abutting owners — damages... 214
419
——; evidence—opinions—findings of fact... 479
——; value of easements—setting off benefits... 297
——; future damages—benefits... 297
Fires set by locomotive—proof of negligence... 320
Injury to employee — negligence of engineer — evidence—examination of witness—harmless error... 203
Street—injury to passenger—State bridge—concealed — defects — negligence — evidence... 214
Duty to repair streets — mandatory injunctions... 307
Taxation — aid bonds... 156
See CARRIERS; MUNICIPAL BONDS.

REFERENCE:
Examination of long account... 335
To take testimony... 215
Fees — waiving statutory provisions... 34

RELEASE. Joint wrong-doers... 115

REMOVAL OF CASES. Admitting jurisdiction of State court... 499

REVIVOR. Of action — laches... 335

SALE:
Payment under duress — parol evidence to explain written contract... 454
Refusal to make payments — action for breach... 315
By sample — opportunity for examination — acceptance... 164

SEDUCTION. Right of woman seduced to sue... 91
See TRUSTS, 299.

SHIP AND SHIPPING. Charter-party — liability for loss of vessel — surety on charter-party... 34

SPECIFIC PERFORMANCE. Incumbrance — eminent domain — constitutional law... 215

STATE:
Defective bridge — negligence — proximate cause... 276
Res adjudicata — claim against State — limitations — when cause of action accrued... 297

STATUTE:
Amendment — effect — collateral inheritance tax — foreign charitable corporations... 215
Construction — day's labor on railroads... 215
See ELECTIONS.

STATUTE OF FRAUDS:
Note or memorandum in writing — recital in will... 174
Partnership in lands... 116

STATUTE OF LIMITATIONS. Application of payments — pleading... 77

STOCK. Subscription — change of plan — liabilities... 292

SURROGATE:
Power to open decree—application—findings—review on appeal... 156
Probate of will — effect — validity of devises... 56

TAXATION:
Correction of list... 276

TAXATION — Continued. Page.
Erroneous — remedies — certiorari... 34
Place — waiver... 419
Lake transportation company — principal office — place of assessment... 217
Erroneous — voluntary payment... 35
Title — redemption by mortgagee — claim under previous sale — estoppel of purchaser... 56

TELEGRAPH COMPANIES:
Failure to deliver message — damages—mental anguish 123
Mistake — stipulation as to liability... 117
Ordinance for regulating and inspecting poles and wires — interstate commerce... 271

TOWNS. Unauthorized conveyance — ratification — quieting title — review on appeal... 215

TRADE-MARKS. Infringement — injunction... 458

TRUSTS:
Declaration of... 277
Ex maleficio... 118
Dissolution — opposition of trustee... 216
Set-off... 299

TRUSTEE:
Removal of — evidence — appeal... 480
Reservation of power to dispose of trust property... 56

USURY... 112

VENDOR AND PURCHASER:
Defective title — agreed statement — adverse possession... 316
Contract for purchase — when purchaser entitled to repudiate... 16

WHARVES. Extension over oyster beds... 23

WAR & HOUSEMAN:
Liabilities — false description in receipt... 307
Receipt—transfer—bona fide holder... 216

WATER AND WATER-COURSES:
Boundaries of holdings in shallow waters of navigable bay... 267
Change of channel — riparian rights... 358
Diversion... 406
Floatable stream — what constitutes — evidence... 231
Pollution of stream... 358
Grant of land under water... 17
Riparian rights in lakes... 204
Surface water — overflowing lands — liability of railroad company... 58

WILLS:
Latent ambiguity — mistake — extrinsic evidence... 36
Assignment of interest... 98
Bequest of money... 98
Charitable bequest... 223
Charitable trust — validity — uncertainty — parol evidence to explain... 3
Construction... 156
Contract to make—breach — damages — finding of referee... 98
Conversion — vesting of legacies — unauthorized payments... 458
Provision for children — extrinsic evidence of testator's intention... 218
Description of devisees — sufficiency... 3
——; widow as heir at law... 216
Devise of power coupled with an interest... 97
"Issue" — construction of limitation... 156
Legacies—interest... 163
Life estate — intent of testator... 99
Mental capacity — undue influence — evidence — witness — experts... 198
Perpetuities — conflict of laws... 44
Rights of devisees — costs... 335
——; of legatees — election of widow — interest... 238
Power of sale — payment of debt... 7
Probate — jurisdiction of surrogate... 112
WITNESS. Husband and wife... 163

Page.
34
419
217
35
56
123
117
271
215
458
277
118
216
299
480
56
112
316
16
23
307
216
267
358
406
231
358
17
204
58
36
98
98
223
3
156
98
458
218
3
216
97
156
163
99
198
44
335
238
7
112
163